VIRGINIA:

BEFORE THE STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of T. Chester Baker Appeal No. 14-8(A)

Hearing Date: March 20, 2015

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

T. Chester Baker (Baker), owner of an unoccupied building at 1667 Piney Forest Road, in Danville, appeals an order issued by the Inspections Division of the City of Danville's Department of Community Development in May of 2014, under Part III of the

Virginia Uniform Statewide Building Code, requiring the building to be demolished.

Baker first filed an appeal to the City of Danville Local
Board of Building Code Appeals (local appeals board) after the
demolition order issued by the City was posted on the property and
a copy of the notice was published in local newspapers. The local
appeals board conducted a hearing in June of 2014 and ruled to
uphold the demolition order. Baker then further appealed to the
Review Board.

Review Board staff conducted an informal fact-finding conference in early January of 2015, attended by Baker and representatives of the City. At the conference, City representatives advised that with Baker's permission, the City would engage a professional engineer to evaluate the building and submit a report to the Review Board to assist in determining whether the building needed to be demolished. Baker agreed to permit the City to engage the engineer.

The engineer's evaluation was submitted in late January of 2015 and a hearing before the Review Board was conducted in March of 2015 with Baker and representatives of the City attending.

III. FINDINGS OF THE REVIEW BOARD

Part III of the Virginia Uniform Statewide Building Code, known as the Virginia Maintenance Code, addresses when a building

may be ordered by a local enforcing agency to be demolished, in § 105.1, which states in pertinent part as follows:

"... when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code."

Further, an unsafe structure is defined in § 202 of the Virginia Maintenance Code as follows:

"An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure."

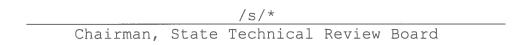
Based on the pictorial evidence submitted, the testimony of the City's representatives and the engineer's report, areas of the building's roof are rotten from years of roof leaks and are in danger of collapse. In addition, the columns supporting the roof extension over a walkway on one side of the building lack anchoring and given the deterioration of the roof framing, there is danger of a roof collapse affecting the safety of any persons outside of and in the immediate vicinity of the building.

Also, given the testimony from the City's representatives concerning the number of notices Baker has been issued for this building over the years and the lack of compliance with those notices and Baker's verbal and written testimony that his intent

is to demolish the building once the contents of the building are sold, the demolition order issued by the City is reasonable and appropriate.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the issuance of the demolition order for the building at 1667 Piney Forest Road by the Inspections Division of the City of Danville's Department of Community Development, and the local appeals board ratification of such demolition order, to be, and hereby is, upheld.



June 19, 2015

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

*Note: The original signed final order is available from Review Board staff.